

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOSHUA TINSLEY,

Plaintiff,

vs.

No. CV 20-00821 WJ/KRS

AMTRAK, et al.,

Defendants.

ORDER TO CURE DEFICIENCY

Plaintiff submitted an Application to Proceed Without Prepaying Fees or Costs. (Doc. 2).

The Court determines that Plaintiff's Application is missing the required **certified copy of Plaintiff's inmate account statement** for the 6-month period immediately preceding this filing.

See 28 U.S.C. § 1915(a)(2). Section 1915 states:

“A prisoner seeking to bring a civil action . . . shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint. . .”

28 U.S.C. § 1915(a)(2). The standard form application to proceed under § 1915 also requires:

“If you are a prisoner, you must attach a statement certified by the appropriate institutional officer ***showing all receipts, expenditures, and balances during the last six months in your institutional accounts.*** If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.”

(emphasis added). Plaintiff has not submitted the certified inmate account statement as required by § 1915(a)(2) and the application form. Plaintiff did submit a document titled “Individual Needs Plan” containing limited financial information. (Doc. 2 at 6-8). However, the document is not an account statement setting out all receipts, expenditures, and balances during the last six months in

his institutional accounts. Failure to cure the designated deficiency within thirty (30) days from entry of this Order may result in dismissal of this action without further notice.

IT IS THEREFORE ORDERED that Plaintiff cure the designated deficiency by submitting the required certified copy of Plaintiff's inmate account statement for the 6-month period immediately preceding this filing within thirty (30) days from the date of this Order.



KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE